

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RUBY FREEMAN and WANDREA	)	
MOSS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:21-CV-1424-HEA
	)	
JAMES HOFT, JOSEPH HOFT, and TGP	)	
COMMUNICATIONS LLC d/b/a <i>THE</i>	)	
<i>GATEWAY PUNDIT</i> ,	)	
	)	
Defendants.	)	

**PLAINTIFFS RUBY FREEMAN’S AND WANDREA MOSS’S RESPONSE IN  
OPPOSITION TO DEFENDANTS’ MOTION FOR AN EXTENSION OF TIME TO  
RESPOND TO PLAINTIFFS’ COMPLAINT AND MOTION FOR REMAND**

COME NOW, Plaintiffs Ruby Freeman and Wandrea Moss (“Plaintiffs”), and in response in opposition to Defendants’ Motion for an Extension of Time to Respond to Plaintiffs’ Complaint and Motion for Remand state the following:

On December 2, 2021, Plaintiffs Freeman and Moss filed their Petition (the “Complaint”) in the Twenty-Second Circuit Court of St. Louis City, Missouri. Plaintiffs Freeman’s and Moss’s Complaint describes how Defendants James (“Jim”) Hoft, Joseph (“Joe”) Hoft, and TGP Communications LLC d/b/a The Gateway Pundit (“*The Gateway Pundit*”) published dozens of articles stating that Plaintiffs committed election fraud through their trusted positions as election workers. Defendants’ defamatory statements provoked their readers to threaten, intimidate, and harass Plaintiffs and their families, including by surrounding Ms. Freeman’s house and forcing her to go into hiding for two months and attempting to make a citizen’s arrest of Ms. Moss’s grandmother.

On Sunday December 5, 2021, less than 72 hours after the Complaint had been filed and before any Defendants had been served, Defendant Joe Hoft filed a Notice of Removal claiming diversity jurisdiction under 28 U.S.C. § 1332.

Early Monday December 6, 2021, Plaintiffs served Defendants Jim Hoft and TGP Communications, LLC d/b/a *The Gateway Pundit* at Defendant Jim Hoft's residence in St. Louis City, Missouri. [ECF Nos. 10-11]

On December 14, 2021, Plaintiffs served Defendant Joe Hoft at his residence in Lake Saint Louis, Missouri as he was leaving for his in-person job at Real Talk 93.3 KTRK's Chesterfield, Missouri studios. [ECF No. 12]

On December 16, 2021, Plaintiffs Freeman and Moss filed a motion to remand this matter to the Twenty-Second Circuit Court of St. Louis City, on the basis that forum Defendant Joe Hoft's removal violates the forum-defendant rule, 28 U.S.C. § 1441(b)(2), and violates Eastern District of Missouri precedent concerning snap removals for two reasons: (1) judges in the Eastern District of Missouri have never allowed a "snap removal" when a forum defendant such as Hoft seeks removal and (2) even if Joe Hoft were not a forum defendant, the Eastern District of Missouri has "narrowed its application of § 1441(b) by requiring service on at least one defendant before the case may be removed." *Czapla v. Republic Servs., Inc.*, 372 F. Supp. 3d 878, 881 (E.D. Mo. 2019) (J. Ross) (citing *Rogers v. Boeing Aerospace Operations, Inc.*, No. 4:13CV1448 CDP, 13 F.Supp.3d 972, 978 2014 WL 1315584 (E.D. Mo. Mar. 31, 2014) (J. Perry)).

On December 22, 2021, Plaintiffs informed Defendants that they planned to file an amended complaint in this matter. Such an amended complaint is necessitated by Defendants' ongoing defamation of Plaintiffs even after they filed their Complaint. Plaintiffs consented to Defendants seeking an extension of time in which to file their responsive pleading to Plaintiffs'

Complaint until the time required in the Federal Rules of Civil Procedure to answer Plaintiffs' amended complaint. Plaintiffs also consented to Defendants seeking an extension of seven (7) days in which to file their response to Plaintiffs' Motion to Remand.

Defendants now further seek an additional, indefinite extension of time in which to file their responsive pleading until the court rules on Plaintiffs' Motion to Remand. Defendants also seek fourteen (14) additional days in which to file their response in opposition to Plaintiffs' Motion to Remand.

With their current request, Defendants essentially seek a stay of proceedings until the court rules on Plaintiffs' Motion to Remand. There is no basis in the Federal Rules of Civil Procedure for Defendants' request. Instead of securing "the just, speedy, and inexpensive determination" of this action, Defendants' request is intended to delay.

In support of their Motion for an Extension, Defendants' only argument is that "if the matter is to be remanded to State court, . . . different citations would be required." [ECF No. 18, p. 2]. Plaintiffs' only claims are state law claims heard under the Court's diversity jurisdiction, which rely on the same interpretations of state law that may be cited in either state or federal court. If Defendants have additional federal court interpretations of state law to cite in a motion to dismiss, the burden of citing those federal cases is exceedingly light relative to the prejudice to Plaintiffs by indefinitely delaying Defendants' responsive pleading.

For these reasons, Plaintiffs oppose Defendants' Motion for an Extension of Time, [ECF No. 18], and request that the Court require Defendants to (1) file their responsive pleading by the time required in the Federal Rules of Civil Procedure to answer Plaintiffs' amended complaint and (2) file their response in opposition to Plaintiffs' Motion to Remand no later than January 6, 2022.

Dated: December 29, 2021

Respectfully submitted,

By: /s/ James F. Bennett

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*\*Pro hac vice forthcoming*

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing has been served upon all parties electronically through the Court's ECF system on this 29<sup>th</sup> day of December, 2021.

/s/ James F. Bennett